

## CHAPTER OVERVIEW

This Chapter contains information pertaining to Child Abuse/Neglect (CA/N) reports involving Out-of-Home Care Providers and the process OHI staff follow in response to the report.

- 7.1 Types of Out-Of-Home Care Providers
- 7.2 Characteristics of The Abusive Out-Of-Home Care Provider
- 7.3 Child Abuse and Neglect in Out-Of-Home Care Facilities
- 7.4 Factors That Lead to Child Abuse and Neglect in Out-Of-Home Care Settings
  - 7.4.1 Common Situations which may Lead to Out-Of-Home Care Abuse
  - 7.4.2 Common Situations which may Lead to Out-Of-Home Care Sexual Maltreatment
  - 7.4.3 Common Situations which may Lead to Out-Of-Home Care Neglect
  - 7.4.4 Written Policies And Practices of the Institution
  - 7.4.5 Physical Structure
- 7.5 OHI Investigation Procedures
  - 7.5.1 Types Of Evidence
  - 7.5.2 Investigative Recording
  - 7.5.3 Interviewing the Child
  - 7.5.4 Specific Procedures Pertaining to Type of OHI Provider
    - 7.5.4.1 Residential Facility/Child Placing Agency
    - 7.5.4.2 School Employee
      - 7.5.4.2.a Spanking
      - 7.5.4.2.b Reports Made Solely For The Purpose of Harassing a Public School Employee
      - 7.5.4.2.c State Schools for the Severely Handicapped, Deaf, and Blind
    - 7.5.4.3 Licensed/Unlicensed Placement Provider
    - 7.5.4.4 Child Care Facility
  - 7.5.5 Death of a Child
- 7.6 Child Caring Facilities – Licensing Violations

Out-of-Home Care Providers are investigated by a special investigations unit called the **Out-of-Home Investigation Unit (OHI)**.

**OUT-OF-HOME CARE PROVIDER DEFINITION:** Those individuals or agencies who exercise care, custody and control or supervise a child for all or part of a twenty-four hour day in a facility which provides for the care, treatment and/or education of children.

### 7.1 TYPES OF OUT-OF-HOME CARE PROVIDERS:

- Child Care Home/Center
- Nursery School
- Residential Treatment Center
- Group Home

- Licensed/Unlicensed Foster Parents, Relatives and Kinship
- Division of Youth Services (DYS) Facility
- Juvenile Court Facility
- Department of Mental Health (DMH) Facility
- Public, Private and Parochial School
- Health Care Facility

NOTE: FOR THE PURPOSES OF THIS SECTION ALL LICENSED FACILITIES, CONTRACTUAL FACILITIES, EXEMPT, AND APPROVED HOMES ARE CONSIDERED OUT-OF-HOME.

OHI shall ensure that when an employee of a child care facility, child placing agency, residential care facility, public and private elementary or secondary schools, juvenile court or other state agency is named as a perpetrator, the facility or school shall be listed as a parent. This will assist county staff in locating substantiated reports in the CA/N system for inquiries on facilities.

Out-of-home investigations differ from investigations conducted in a family setting. The worker must be knowledgeable of characteristics, indicators and policies and practices which may contribute to abuse/neglect in an out-of-home setting.

NOTE: When conducting an investigation of child abuse/neglect in an out-of-home care setting, it is imperative that the worker carefully review the physical setting and the appropriate written policies and practices of the facility.

## **7.2 CHARACTERISTICS OF THE ABUSIVE OUT-OF-HOME CARE PROVIDER:**

NOTE: No caretaker will exhibit all of the characteristics listed below, and some of the characteristics are contradictory. Someone with these characteristics may or may not be abusive. Characteristics should be used only as a general guide.

- Is unable to work under pressure;
- Lacks information, supervision or training on disciplinary techniques or how to deal with a demanding population;
- Has unrealistic expectations of themselves or children in their care;
- Feels unreasonable pressure to succeed as a "good worker";
- Sees self as a "rescuer" to the child;

- Is unable to handle own anger;
- Is unable to cope with "situational factors" i.e., low pay, working conditions, policies, etc.;
- Does not follow agency policies and procedures governing the care and supervision of children.

### **7.3 CHILD ABUSE AND NEGLECT IN OUT-OF-HOME CARE FACILITIES:**

**PHYSICAL ABUSE:** Occurs when person(s) responsible for the child's care in a facility inflicts or allows to be inflicted upon a child any bodily harm, other than by accidental means.

Related Subject: [Section 7, Chapter 28](#), Physical Abuse.

**DISCIPLINARY ACTIONS:** The worker should carefully evaluate disciplinary actions to determine if they represent abuse/neglect or a licensing violation. Common disciplinary actions which may contribute to abuse/neglect include, but are not limited to the following:

- A child is placed in isolation without being provided with ongoing monitoring;
- A child is placed in "time out" for excessive periods of time;
- A child is not permitted to see his family or receive mail as a means of punishment;
- A child is denied clothing because he has damaged clothing already provided;
- A child does not receive bedding because he has soiled the bed.

**SEXUAL MALTREATMENT:** Occurs when person(s) responsible for the child's care at a facility commits or allows to be committed an act of sexual maltreatment against a child.

Related Subject: [Section 7, Chapter 29](#), Sexual Maltreatment.

**NEGLECT:** Of child in out-of-home care includes any omissions of care to a child by the person(s) responsible for his/her care, or failure on the part of the person(s) responsible for his/her care to exercise prudent care, which jeopardizes the well-being of a child in such a way that the child sustains physical or emotional injury or damage.

Related Subject: [Section 7, Chapter 30](#), Neglect.

**LACK OF SUPERVISION:** Should be considered when a staff member is under the influence of drugs/alcohol, falls asleep, or is generally inattentive and the child harms himself, or is harmed by other children or adults. In addition, when a staff member leaves a child alone without adult supervision appropriate for his/her age, mental or physical condition, or other special needs.

**EMOTIONAL MALTREATMENT:** In an out-of-home care setting should be considered when there is evidence that a child is experiencing diminished psychological or intellectual functioning as the result of a harmful pattern of behavior by the person responsible for the child's care.

Related Subject: <a href="#">Section 7, Chapter 33</a> , Emotional Maltreatment.
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#### **7.4 FACTORS THAT LEAD TO CHILD ABUSE AND NEGLECT IN OUT-OF-HOME CARE SETTINGS**

The facility itself can play a significant role in contributing to the abuse/neglect of children. Some key issues in deciding a facility's involvement and culpability in an incident of abuse/neglect include: whether the facility has made provisions for staff training; has the facility provided staff, and when appropriate, children and their families, with the facility's written policies, procedures and practices. The worker should review all written policies, procedures and practices which are applicable to the incident being investigated and which relate to the following:

- Description of the facility's treatment program and population served;
- Current service plan for the child, the involvement of each person responsible for service delivery, including child care staff, and the mechanisms for evaluating and updating service plans;
- Rights of children and their families;
- A grievance reporting system when children and their families feel their rights have been violated;
- Expectations of children and their families;
- Discipline of children;
- Problem management, physical restraint, time out and isolation;
- Staffing patterns/coverage requirements which include action plans for staff absences, emergencies, planned or respite breaks from children and integration and assignment of new employees, especially child care staff;
- Staff job descriptions, staff behavioral guidelines/expectations, staff evaluations, possible corrective or disciplinary actions for staff and staff grievance procedures;
- Staff orientation and their ongoing training plan;
- Supervision of all levels of staff, including chain of command for the institution according to the table of organization;
- Required written/oral reports and their time frames;

- Medical care, routine and emergency, for children;
- Safekeeping, transporting and dispensing medications;
- Use of psychotropic medications;
- Reporting and maintenance system for hazardous conditions on grounds, in buildings or with equipment, including vehicles.

#### **7.4.1 COMMON SITUATIONS WHICH MAY LEAD TO OUT-OF-HOME CARE ABUSE**

The following are some common day-to-day situations which, when handled inappropriately, may lead to abuse:

- Staff are not given training on how to control a child who is verbally or physically aggressive;
- Staff are not provided with training and instruction on how to break up fights between children;
- Staff are not provided with training on how to redirect a child who refuses to follow instructions;
- The facility fails to provide the type of program that is needed for the population they serve;
- A facility provides no means for staff, who have a heated interchange with a child, to remove themselves from the situation in order to regain self-control.

#### **7.4.2 COMMON SITUATIONS WHICH MAY LEAD TO OUT-OF-HOME CARE SEXUAL MALTREATMENT**

The following are some common day-to-day situations which, when handled inappropriately, may lead to sexual maltreatment of a child by staff:

- There are no policies or procedures provided by the facility regarding a staff member removing a child from his/her living unit;
- When a facility does not provide adequate supervision to children during sleeping hours.

### **7.4.3 COMMON SITUATIONS WHICH MAY LEAD TO OUT-OF-HOME CARE NEGLECT**

The following are some common day-to-day situations in an institution which, when handled inappropriately, may lead to neglect:

- The facility's staffing patterns and coverage requires persons to work long shifts;
- The facility does not make provisions for supervision of child care staff on a unit and as a result, staff sleep, are under the influence of drugs/alcohol, or are engaged in other activities outside their work assignments while on the job;
- When facility lacks clear guidelines on the safekeeping of medication or the dispensing of medication and as a result, there is misuse of medication by children;
- When staff do not supervise children, ignore or fail to remedy a problem;
- When staff are not trained on how to handle a medical emergency.

### **7.4.4 WRITTEN POLICIES AND PRACTICES OF THE INSTITUTION**

These play a significant role in determining the investigative conclusion of a child abuse/neglect report and should be reviewed by the worker. The administration's failure to develop and/or follow written policy and procedures may result in a finding that the administration is responsible for the incident and should be named as the perpetrator. If appropriate written policy and procedure had been developed and followed by the administration, but the staff member failed to follow it, only the staff member may be named as the perpetrator.

### **7.4.5 PHYSICAL STRUCTURE**

The design and layout of the facility can increase the likelihood of abuse/neglect of a child by staff or other residents and the worker should try to determine the location where the alleged abuse/neglect occurred. By observing the physical structure of the facility, the worker should be able to develop an understanding of how the abuse/neglect may have occurred.

The sleeping quarters of the residents can be some distance from the staff's room making it difficult to hear a disturbance or a child crying out for help. Good practice requires staff to make tours of all resident rooms during the night.

Design and layout not only includes an awareness of physical location of rooms, but also includes accessibility to either staff or phones when an emergency exists. When observing the location where the incident was to have occurred, the worker should look at where telephones are located and should determine how far away was another staff person, who could have been able to assist other staff or children.

The worker should also look at what objects are in the room where the incident took place (i.e., dangerous or sharp objects, or furniture in the room that blocks staff or child residents view of what is going on in the room).

## **7.5 OHI INVESTIGATION PROCEDURES**

### **7.5.1 TYPES OF EVIDENCE:**

- Statements made by administration;
- Child's statement;
- Perpetrator's statement;
- Statement of witnesses;
- Facility reports, written policies and procedures, logs, medical reports, personnel records, school records or other facility records;
- Worker's observation of the facility, physical setting, staff/resident interactions and resident/resident interactions.

### **7.5.2 INVESTIGATIVE RECORDING:**

Recording shall be completed in a summarized narrative style on the CA/N-4. It should be written in a clear, concise, easily understood manner and include, but not be limited to the following components:

- A chronological listing of who, when, where each subject and/or collateral was contacted and the content of the interviews;
- A brief description of all credible verbal and/or physical evidence provided to the worker during the investigation;
- A statement justifying the investigator's investigative conclusion, i.e., reason to suspect, unsubstantiated-preventive services, indicated or unsubstantiated.

### **7.5.3 Interviewing the Child**

When neither parent is the alleged abuser, and prior to interviewing the child, the OHI worker must notify one of the parents of a child who is the subject of the CA/N report. When attempting to locate one of the child's parents, the OHI worker shall attempt a minimum of three (3) contacts, using all available modes of contact. If the alleged abuser is "unknown" the OHI worker is to use his/her professional judgment in deciding whether to contact the parent/guardian prior to interviewing the child.

In emergency situations, ensuring the safety of the child shall take precedence. The OHI worker will need to use professional judgment to decide if an extensive search to contact the parents will put the child at risk. In these situations, the OHI worker should proceed with the interview and contact the parents at his/her earliest opportunity.

CD/OHI staff may meet with a child on school property or child care facility property other than in a school or child care facility building where the abuse allegedly occurred.

When a parent wishes to be present during the interview pursuant to current policy, the OHI worker shall make arrangements with the parents to interview the child in their presence, in a desired location, such as their home.

#### **7.5.4 SPECIFIC PROCEDURES PERTAINING TO TYPE OF OHI PROVIDER**

The following procedures will apply to Investigations conducted on various out of home care providers by the Out-of-Home Investigation Unit (OHI):

Note: While OHI will conduct the investigation, the OHI worker may request local county assistance in emergency situations or in those instances, when the child needs to be viewed immediately (but there is no emergency) and the OHI investigator cannot see the child within a reasonable time. Local staff are expected to support OHI investigators by providing courtesy child victim interviews, pursuant to current policy, when mandated victim contact time frames are an issue.

##### **7.5.4.1 Residential Facility/Child Placing Agency**

When child abuse/neglect is alleged to have occurred in a licensed child caring/child placing agency, OHI worker shall:

- A. Contact appropriate law enforcement agency in order to begin co-investigation if a report alleges sexual abuse, or other severe physical abuse/neglect.
  - If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
  - If law enforcement official is not available or unable to conduct co-investigation, document and proceed with the investigation as required. Law enforcement official may join the investigation at any time during the process.
- B. Contact Residential Program Unit in Central Office and notify of report. Request licensing representative to co-investigate.
  - If licensing worker is available, arrange pre-interview conference to discuss complaint and plans for investigation.



- If licensing worker is unable to assist in initial investigation, document and proceed with investigation as required. The licensing worker will notify CSW, as soon as possible, in order to join the investigation process.
- C. Notify appropriate licensing agent if facility is licensed by another state agency.
- D. Notify administrator of the child caring/child placing agency of the report and that an investigation is being conducted.
- E. Notify CD office in county of jurisdiction, if the child is in CD care and custody, at time of the report and of results of investigation.
- F. Request CD office in county of jurisdiction of the child to notify their Juvenile Court of report-if child is under Juvenile Court jurisdiction, that an investigation is being conducted and of results of the investigation.
- G. Notify parents (of subject child) of the report and that an investigation is being conducted.
- H. Notify Juvenile Officer in county of investigation, of impending investigation and of results of investigation.
- I. Complete investigation jointly with all co-investigators to gather relevant data.
- Interview victim.
  - Interview witness(es) named by victim.
  - In group situations, where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children.

NOTE: Using judgment, the CA/N investigator may request that the child caring/children placing agency administrator select the children to be interviewed. However, the CA/N investigator may elect to select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

Related Subject: [Section 2, Chapter 4, Attachment B](#), Videotaping of CA/N Victim.

- J. Arrange for post-investigation conference to review the findings. Involve Residential Licensing worker in post-investigation conference even if not involved in actual investigation. Conference may be conducted via telephone if all parties can not meet in person. If CSW and Residential Licensing

Worker disagree on basic facts after post-investigation conference, contact respective first line supervisors for input.

- K. Report results via the CS-21 to agency administrator, Child Care Licensing Representative, and Contract Management Unit (if under contract).
- Notify residential licensing, in writing, of findings including concerns or possible residential rule violations, which may not be child abuse/neglect.
  - Submit copy of the CA/N report to Residential Licensing if report was on a licensed and/or exempt child caring/placing agency.
  - The child caring/child placing agency is considered an alleged perpetrator when child care is given at the time of the CA/N and the CA/N is caused by: actions and/or inactions, or written and unwritten policies of the child caring/child placing agency.
  - Submit copy of CS-21 to Residential Licensing when child caring/child placing agency is the alleged perpetrator and/or when an employee on duty is the alleged perpetrator.
- L. Notify parents (of subject child) and alleged perpetrator of results of the investigation per the CS-21.
- M. Where there has been a co-investigation, the CSW will receive a copy of the residential licensing representative's written report.

#### **7.5.4.2 School Employee**

When the alleged perpetrator is a public school teacher or other school employee, notify the school superintendent (or the president of the school board when a report concerns the superintendent). Based on the information supplied in the report and discussions with the OHI investigator, the superintendent (board president) and the OHI investigator should decide how to proceed.

The CD investigation will begin when the report is received from the superintendent.

Note: If the report does not allege spanking by a certified school personnel pursuant to a written policy of discipline, or is not harassment, the report is to be investigated by an OHI investigator. The superintendent (board president) will be considered a member of the multidisciplinary investigation team and, as such, may be involved in the investigation. This will allow him/her to have access to appropriate information and to be notified as to the outcome of the investigation.

The CD investigation will continue when:

- The report does not allege spanking by a certified school personnel pursuant to a written discipline policy, or is not harassment, as determined by the school superintendent, and is referred to the OHI investigator; or
- Is an employee of a private school.

Use Delayed Contact code of "Z" in CA/N system when there is a delay in the report being referred back to CD, and

Use Delayed Conclusion code of "G," Awaiting School Action (OHI only), when there is a delay in completing the investigation due to a delay in receiving the report back from the superintendent.

- A. Contact appropriate law enforcement agency in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.
  - If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
  - If law enforcement official is not available or is unable to conduct co-investigation, proceed with investigation as required. Law enforcement official may join investigation at any time during process.
- B. Notify CD office in county of jurisdiction if child is in CD care and custody at time of report and of results of investigation.
- C. Request CD office in county of jurisdiction to notify their Juvenile Office if child is in custody of Juvenile Court of report, that an investigation is being conducted and results of investigation.
- D. Notify parents (of subject child) of the report and that an investigation is being conducted.
- E. Complete investigation jointly with all co-investigators to gather relevant data. Arrange post-investigation conference to review findings.
  - Interview victim, the interview may not take place in a school building where the abuse allegedly occurred.
  - Interview witness(es) named by victim.
  - In group situations where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children.

NOTE: Using judgment, the CA/N investigator may request that the school administrator select the children to be interviewed. However, the CA/N investigator may elect to select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

- F. Share results of investigation with school administrator. The superintendent will be considered a member of the multidisciplinary team and, as such, may be involved in the investigation.
- The school is considered the alleged perpetrator if the child is attending school at the time of the CA/N and the CA/N is caused by: actions and/or inactions, or written or unwritten policies of the school.
- G. Notify parents (of subject child) and alleged perpetrator of results of investigation per the CS-21. Provide copy of CS-21 to superintendent.

#### **7.5.4.2.a Spanking**

If the superintendent determines, after an initial assessment, the alleged incident arose out of or is related to a spanking administered by certified school district personnel according to written discipline policy, he/she will notify the juvenile officer of the county in which the alleged incident occurred, and the report shall be jointly investigated with the juvenile officer or law enforcement officer designated by the juvenile officer. The investigation shall begin no later than two working days after notification from the OHI Unit is received. **CD will not be involved in these investigations.** The investigation shall consist of, but need not be limited to, interviewing and recording statements of the child and his or her parents or guardian, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

Separate reports by the superintendent and juvenile officer are made to the school board within seven days of receiving the report from CD, with their findings and recommendations. The report of alleged child abuse is "preponderance of evidence " or "unsubstantiated."

The school board, within seven days of receiving the last of the two reports, will consider the separate reports and issue its findings and conclusions, which are sent to the CD/OHI investigator who notified the superintendent of the report. The findings and conclusions will be one of the following:

- The report of the alleged child abuse is "unsubstantiated." The juvenile officer or the law enforcement officer designated by the juvenile officer, and the investigating school board personnel agree that the evidence shows that no abuse occurred.

- The report of the alleged child abuse is "preponderance of evidence." The juvenile officer or the law enforcement officer designated by the juvenile officer, and the investigating school district personnel agree to a finding that the alleged incident of child abuse did occur. The OHI investigator will forward the information to the prosecuting attorney; or
- The issue involved in the alleged incident of child abuse is unresolved because the juvenile officer or a law enforcement officer designated by the juvenile officer, and school personnel are unable to agree on their findings and conclusions on the alleged incident. The OHI investigator will forward the information to the prosecuting attorney. Depending on whether the prosecuting attorney takes action on the report, the finding will be either "preponderance of evidence" or "unsubstantiated."

After receiving the final conclusion from the investigation, the OHI Unit will send a CA/N Disposition Form Letter (CS-21) to the alleged perpetrator, and the child's custodial and non-custodial parents, with a copy to the superintendent.

#### **7.5.4.2.b Reports Made Solely For The Purpose of Harassing a Public School Employee**

Section 160.261 RSMo. also allows the superintendent (board president) to assess if the report has no merit, and was made for the sole purpose of harassing a school employee. The superintendent (board president) should make this decision in consultation with the OHI investigator. If there is any doubt that the allegation(s) is completely false, the superintendent should refer the case to CD for investigation. Because of the serious nature of some allegations, it is important that those individuals trained to investigate such reports (CD and law enforcement) be involved prior to the interview of the child or alleged perpetrator.

If the superintendent determines that the report was made for the sole purpose of harassing a school employee, then he/she must take the same steps as outlined above regarding spanking.

#### **7.5.4.2.c State Schools for the Severely Handicapped, Deaf, and Blind**

When a report involves an incident occurring at a State School for the Severely Handicapped, Deaf, or Blind, the respective state superintendent is involved.

Superintendent - State School for the Severely Handicapped, Department of Elementary and Secondary Education (DESE), P.O. Box 480, Jefferson City, Missouri 65102 (573-751-4427).

Superintendent - State School for the Blind, 3815 Magnolia, St. Louis, Missouri 63110 (314-776-4320).

Superintendent - State School for the Deaf, 505 East Fifth Street, Fulton, Missouri 65251 (573-592-4000).

The Relay Missouri is 1-800-735-2966 (Telecommunication for the Deaf).

Related Subject: <a href="#">Section 2, Chapter 8</a> , School Related Issues.
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#### **7.5.4.3 Licensed/Unlicensed Placement Provider**

When the alleged perpetrator is a Division licensed or unlicensed placement provider who is currently providing care to children in the care and custody of CD who are Legal Status 1, the Out-of-Home Investigation Unit investigator shall accept the report for investigation. OHI will investigate reports of abuse/neglect by placement providers of children who were Legal Status 1 at the time the abuse/neglect occurred, even if the alleged victim is not in the home of the alleged perpetrator at the time of the report.

Situations involving alleged abuse or neglect by placement providers of their own children where no other Legal Status 1 children are in the household will be handled by the local county office. The local county CD office will review the report and determine if it is possible for that county to complete the investigation/family assessment or if there is a need to request the juvenile court or a neighboring county to complete.

The Child Abuse/Neglect Hotline Unit will notify the OHI Unit or the appropriate circuit manager of the placement provider report by an automatic alert. The CD staff person assigned to conduct the investigation/family assessment will maintain contact with the local circuit manager/designee throughout the investigation and will notify the CD office in the county having wardship of the alleged victim(s), if different.

- A. Notify Child Care Licensing at time of report and of results of investigation if the placement provider has applied or is also licensed as a day care facility.
- B. Notify the Juvenile Court having custody of subject child of report, that an investigation is being conducted, and of results of investigation.

- C. Maintain contact with Juvenile Officer throughout investigation.
- D. Cooperate with and provide access to any information requested by Juvenile Office that pertains to investigation.
- E. Notify parents (of subject child) and the alleged perpetrator of the results of investigation per the CS-21.
- F. A copy of the entire investigation shall be provided to the local office.
- G. A copy of the CAN-4 will also be sent to the Area Office for the licensing county and, if different, the Area Office of the victim. Supporting documentation will be made available on request.

#### **7.5.4.4 Child Care Facility**

When child abuse or neglect is alleged to have occurred in a child care setting that has applied for a license, is licensed or registered in which it is confirmed that more than four (4) unrelated children are in care:

**NOTE:** Child Care Licensing Representatives shall not participate in the investigation of exempt child care facilities.

- A. Contact local child care licensing representative or Regional Child Care Supervisor and notify of report. Request licensing representative to co-investigate. This includes notification when the report is on the Child Care Provider's own child(ren). Notify the licensing representative immediately if at any time during the investigation there is concern about the safety of the children in the family.
  - If licensing representative is available, arrange pre-interview conference to discuss complaint and plans for investigation.
  - If licensing representative is unable to assist in the initial investigation, document and proceed with the investigation as required. The representative will notify the CSW as soon as possible, in order to join the investigation process.
- B. Contact appropriate law enforcement agency in order to begin co-investigation if report alleges sexual abuse or other severe abuse/neglect.
  - If law enforcement official is available, arrange pre-interview conference to discuss complaint and plans for investigation.
  - If law enforcement official is not available or unable to conduct co-investigation, proceed with investigation as required. Law enforcement official may join investigation at any time during process.

- C. Notify CD office in the county of jurisdiction, if child is in CD care and custody, at the time of report and of results of investigation.
- D. Request CD office in county of jurisdiction to notify the Juvenile Court, if court has custody of subject child, of report, that an investigation is being conducted and of results of investigation.
- E. Notify parents (of subject child) of the report and that an investigation is being conducted. If parents indicate a desire to be present during child's interview, request parent to be present for pre-interview conference.

NOTE: If parent will be present for the initial interview with the subject child it is recommended the interview be held in the child's home or a neutral non-threatening environment. Do not unduly delay the investigation based simply on the wish of the parent to be present.

- F. Notify Child Care Provider/ Applicant of the report and that an investigation is being conducted.
- G. Complete investigation jointly with all co-investigators to gather relevant data.
  - Interview victim, the interview may not take place in a child care facility building where the abuse allegedly occurred.
  - Interview witness(es) named by victim.
  - In group situations where not all children are listed as victims, request a representative sample, i.e., 10%, to avoid interviewing a large number of children.

NOTE: In regard to a child care center, using judgment, the CA/N investigator may request that the child care center administrator select the children to be interviewed. However, the CA/N investigator may select the children if the administrator is an alleged perpetrator or otherwise compromises the investigation.

- H. Arrange for a post-investigation conference to review findings. Involve Child Care Licensing Representative in post-investigation conference even if not involved in actual investigation. Under special circumstances, hold conference via telephone. If CSW and Child Care Licensing Worker disagree on findings and basic facts, contact respective first line supervisors for input.
- I. Notify local child care licensing representative or Regional Child Care Supervisor in writing, via a copy of the investigation report, of results within thirty (30) days.



- A minimum report must include the following information:
  - a. Nature of original CA/N report including form CA/N-1 and CA/N-4;
  - b. Number of children being cared for by provider;
  - c. Names of children who are subjects of report;
  - d. A copy of the investigation including determination of the validity of report;
  - e. Possible child care rule violations or other concerns found which may not be child abuse/neglect.

NOTE: Violation of a Child Care Licensing rule does not necessarily constitute CA/N. Final determination must be based on the legal definition of abuse and neglect found in 210.110 RSMo.

- J. Receive a copy of the child care licensing representative's written report where there has been a joint investigation.
- K. Notify law enforcement official of results of the investigation if he/she has been involved.
- L. Notify parents (of subject child) and the alleged perpetrator of results of the investigation per the CS-21.
- M. Notify child care applicant and/or provider of investigation results in writing with a copy to the licensing representative.
  - The licensed child care home/center, child care license applicant or unlicensed child care setting is considered an alleged perpetrator when child care was being provided at the time of CA/N and the CA/N is caused by: actions and/or inactions, written or unwritten policies of the child care home/center.
  - Submit copy of CS-21 to Child Care Licensing when child care home/center is the alleged perpetrator and/or when an employee on duty is the alleged perpetrator.
- N. In the event that the CA/N finding is reversed or updated based on an administrative or judicial review, inform the licensing worker in writing.
- O. Complete CA/N-1, CA/N-4, and CS-21.

- Send copy to case manager, when report was for child not in original county.
- P. If an investigation was conducted by the Juvenile Officer and is inadequate or does not contain sufficient information to reach the specified determination, discuss this with the juvenile officer and receive additional evidence to support the findings. If additional evidence is still inadequate, a decision contrary to the juvenile officer may be made and entered into the CA/N Information System.
- Q. Send the CS-21 when the alleged perpetrator is a CD employee/family member (if it is not sent by the Juvenile Officer).
- R. When the child is in facilities licensed or contracted with DYS, DMH, or the Juvenile Court and is not in the custody of DYS, DMH, or the Juvenile Court, send a summary of the report to the Director of DYS or DMH or the Juvenile Officer. The summary shall include the status, general findings, and the name of the alleged perpetrator.
- S. Complete record of special investigation including recording of the steps outlined in this procedure within ten (10) days.

#### **7.5.5 Death of a Child**

An incident involving the death of a child assigned to OHI for investigation will be immediately reported to the Director through Supervisory Channels by the Unit Manager, or designee. Additionally, the Unit Manager will utilize e-mail for advising key central office administration when notifying the Deputy Director, at the following e-mail address: [CD.CriticalEventReport](#).

The Out of Home Investigator will notify the child's case manager or supervisor immediately of the death of a child in CD custody.

### **7.6 CHILD CARING FACILITIES – LICENSING VIOLATIONS**

Out-of-home investigations present unique situations for the CA/N investigator. Issues include whether CA/N is present or if a licensing violation in a child caring facility without CA/N has occurred. "Licensing violation" is defined in the glossary. The following considerations may be applied, as appropriate, for a variety of out-of-home investigations. Any findings that indicate only licensing violations should be referred to the appropriate licensing representative.

- Were the required number of caregivers on duty?
- Where were the caregivers?
- How long were the children left alone (if applicable)?

- Were there any injuries?
- Are there any prior CA/N reports?
- Corporal punishment that leaves no injuries may be a licensing violation.
- Not having the appropriate number of staff on duty is not necessarily lack of supervision for CA/N, although it is a licensing violation.
- Raising the voice to children is not necessarily emotional maltreatment.
- A lack of required safety equipment is not necessarily child neglect although it may be a licensing violation.

MEMORANDA HISTORY: [CD04-79](#); [CD05-35](#); [CD05-50](#); [CD05-80](#)